

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

KIMBERLY GENEREUX,	)	
Plaintiff,	)	
v.	)	
COLUMBIA SUSSEX CORPORATION	)	
d/b/a WESTIN CASUARINA HOTEL,	)	
STARWOOD HOTELS & RESORTS	)	
WORLDWIDE, INC., WESTIN LICENSE	)	
COMPANY, WESTIN LICENSE	)	Civil Action No. 05-CV-10879-JLT
COMPANY NORTH, WESTIN	)	
MANAGEMENT COMPANY NORTH,	)	
INC., WESTIN MANAGEMENT	)	
COMPANY EAST, WESTIN NORTH	)	
AMERICA MANAGEMENT COMPANY,	)	
INC., GALLEON BEACH RESORT, LTD.,	)	
and CORPORATE DEFENDANTS X1-	)	
100,	)	
Defendants.	)	

**DEFENDANTS' INITIAL DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(a)(1)**

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and Local Rule 26.1, defendants Westin License Company (“Westin License Co.”) and Westin International Services, LLC, as successor by merger to Westin Management Company North, Westin Management Company East and Westin North America Management Company (“Westin L.P.”)(Westin License Co. and Westin L.P. will sometimes hereinafter collectively be referred to as the “Westin Defendants”), hereby make the following initial disclosures to the parties in this action.

**A. Individuals Likely To Have Discoverable Information Supporting The Westin Defendants' Claims Or Defenses**

The following individuals are likely to have discoverable information that the Westin Defendants may use to support their claims or defenses, unless solely for impeachment:

1. Plaintiff Kimberly Genereux.

2. Daphne Hampson, former Director of Franchise Operations for Starwood Hotels & Resorts Worldwide, Inc. Ms. Hampson's address is 10660 Hollymount Dr., Richmond, British Columbia V7E4Z2. Ms. Hampson may have spoken with employees at the Westin Casuarina Hotel about the incident that is the subject of this case.

3. Steven Sherman, Design Manager, Starwood Hotels & Resorts Worldwide, Inc.

Mr. Sherman may be reached through counsel for the Westin Defendants. Mr. Sherman may have knowledge about the design of the Westin Casuarina Hotel.

4. Diana Oreck, former employee of Starwood Hotels & Resorts Worldwide, Inc.

The Westin Defendants do not know Ms. Oreck's current address but understand that she works at Ritz Carlton/Marriott Hotels, Bethesda, Maryland. Ms. Oreck may have knowledge about the design of the Westin Casuarina Hotel.

5. The proposed deponents identified in Section IV of the parties' Joint Statement Pursuant To Local Rule 16.1.

**B. Documents That The Westin Defendants May Use To Support Their Defenses In This Action.**

The Westin Defendants identify the following documents, by category and location, that they may use to support their claims or defenses in this action, excepting those documents subject to the attorney-client privilege, the doctrine of work product, or other applicable privileges, or those documents that they may use solely for impeachment:

1. Starwood Design Review Memorandum dated June 10, 2002 from Steven Sherman to Diana Oreck. This document has already been produced to the parties and is bate stamped numbers STAR 000001-STAR 000003.

2. State of Delaware Certificates of Conversion From A Corporation To A Limited Liability Company Pursuant To Section 18-214 Of The Limited Liability Act, dated April 6, 2006, and accompanying Certificates Of Formation, dated April 6, 2006, for: (a) Westin International Services, LLC; (b) Westin North America Management Co.; (c) Westin Management Company North; and (d) Westin Management Company East. The Westin Defendants will produce these documents to the parties.

3. State Of Delaware Certificate Of Merger Of Domestic Limited Liability Companies, dated April 6, 2006. The Westin Defendants will produce this document to the parties.

4. The following documents that the Westin Defendants agree to produce subject to a satisfactory confidentiality agreement:

- a. System License Agreement by and between Westin License Company and Galleon Beach Resort, Ltd. dated March 20, 1995.
- b. Purchase and Sale Agreement, dated January 12, 2006, by and between Westin License Company and Westin Hotel Management, L.P.
- c. Bill of Sale, Assignment and Assumption Agreement, dated January 12, 2006, by and between Westin License Company and Westin Hotel Management, L.P.
- d. Purchase and Sale Agreement, dated January 12, 2006, by and between Westin Management Company North and Westin Hotel Management, L.P.
- e. Bill of Sale, Assignment and Assumption Agreement, dated January 12, 2006, by and between Westin Management Company North and Westin Hotel Management, L.P.
- f. Purchase and Sale Agreement, dated January 12, 2006, by and between Westin Management Company East and Westin Hotel Management, L.P.

- g. Bill of Sale, Assignment and Assumption Agreement, dated January 12, 2006, by and between Westin Management Company East and Westin Hotel Management, L.P.
- h. Purchase and Sale Agreement, dated January 12, 2006, by and between Westin North America Management Co. and Westin Hotel Management, L.P.
- i. Bill of Sale, Assignment and Assumption Agreement, dated January 12, 2006, by and between Westin North America Management Co. and Westin Hotel Management, L.P.
- j. Purchase and Sale Agreement, dated April 6, 2006, by and between Isabella Holding Corp., Starwood Hotels & Resorts and Starwood Hotels & Resorts Worldwide, Inc.
- k. Stock Purchase Agreement, dated April 6, 2006, by and between Broad Street Contract Services, Inc., Starwood Hotels & Resorts, Starwood Hotels & Resorts Worldwide, Inc., and Westin Hotel Management, L.P.
- l. Limited Liability Company Operating Agreement of Westin International Services, LLC.
- m. Agreement of Limited Partnership of Westin Hotel Management, L.P.

**C. Computation Of Damages**

Not applicable.

**D. Production Of Relevant Insurance Agreements**

A copy of defendant Columbia Sussex Corporation's Certificate of Liability Insurance indicating that Starwood Hotels & Resorts Worldwide, Inc. is an additional insured has already been produced to the parties and is bate stamped numbers STAR 000004 – STAR 000006. The Westin Defendants also refer the parties to the System License Agreement by and between Westin License Company and Galleon Beach Resort, Ltd. dated March 20, 1995. Starwood Corp. agrees to produce this document subject to a satisfactory confidentiality agreement.

**E. Reservation Of Rights**

The foregoing disclosures are based upon information currently available to the Westin Defendants. The Westin Defendants specifically reserve the right to supplement these initial

disclosures to the extent that additional relevant information supporting their claims or defenses becomes available.

WESTIN LICENSE COMPANY and WESTIN INTERNATIONAL SERVICES, LLC, as successor by merger to WESTIN MANAGEMENT COMPANY NORTH, WESTIN MANAGEMENT COMPANY EAST and WESTIN NORTH AMERICA MANAGEMENT COMPANY

By their attorneys,

/s/ Stephen C. Bazarian

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